IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

WP(C).No. 35809 of 2007(K)

AGAINST THE ORDER IN EP 9/2007 IN
OS.2/2004 of M.C.,PATHANAMTHITTA

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PETITIONER:

M.N.SURENDRAN, KONATTU HOUSE,
POOVAMPARA, KONNI, PATHANAMTHITTA,
NOW WORKING AS THE ASSISTANT PUBLIC PROSECUTOR,
JUDICIAL FIRST CLASS MAGISTRATE COURT,
ETTUMANOOR, KOTTAYAM.

BY ADV. SRI.C.S.MANILAL

RESPONDENT:

THE FEDERAL BANK LTD.,
PATHANAMTHITTA BRANCH,
REPRESENTED BY ITS CHIEF MANAGER,
PATHANAMTHITTA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.35809 of 2007

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Dated this the 4th day of December, 2007.

JUDGMENT

This Writ Petition is filed to quash Ext.P2. By Ext.P1 there was a direction to attach Rs.4,000/- from the salary of the writ petitioner every month. The writ petitioner is an Assistant Public Prosecutor now working at Ettumanoor. His grievance is that being a self-drawing Officer he is unable to attach the salary for himself and therefore in order to comply with the directions of the court he used to hand over Rs.4,000/- to the decree holder. I feel that there is some force in the said contention.

2. I think, the order passed by the learned Munsiff can be modified whereby the writ petitioner can be directed to pay Rs.4,000/- every month for 24 months or till the decree debt is exhausted if it is for a shorter period to the counsel appearing for the decree holder and obtain a receipt and produce it before the court below with a memo. So, there will be satisfaction for the decree holder as well and unnecessary technicalities can be

averted. I am satisfied that there is no attempt to willfully violate or circumvent the order of the court, but it is only on account of practical difficulties experienced that he has chosen to pay the amount to the decree holder. Therefore his presence need not be insisted as per Ext.P2. He may be permitted to make payment as ordered by me.

Writ Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

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